

## SECTION 01630

### PRODUCT SUBSTITUTIONS

#### A. General:

1. Requests for changes in products, materials, equipment, and methods of construction required by Contract Documents proposed by the Contractor after award of the Contract are considered requests for "substitutions." The following are not considered substitutions:
  - a. Substitutions requested during the bidding period, and accepted by Addendum, prior to award of Contract.
  - b. Revisions to Contract Documents requested by BNL.
  - c. Specified options of products and construction methods included in Contract Documents.

#### B. Submittal:

1. Requests for substitution will be considered if received within 60 days after commencement of the Work. Requests received more than 60 days after commencement of the Work may be considered or rejected at the discretion of BNL.
  - a. Submit 6 copies of each request for substitution in the form and in accordance with procedures for Change Order proposals.
  - b. Identify the product, or installation method to be replaced in each request. Include related Specification Section and Drawing numbers. Document compliance with requirements for substitutions, and the following information, as appropriate:
    - 1) Product Data, including Drawings and descriptions of products, fabrication and installation procedures.
    - 2) Samples, where applicable or requested.
    - 3) A comparison of significant qualities of the proposed substitution with those specified.
    - 4) A list of changes or modifications needed to other parts of the Work and to construction performed by BNL and separate Contractors, that will be necessary to accommodate the proposed substitution.
    - 5) A statement indicating the substitution's effect on the Construction Schedule compared to the Schedule without approval of the substitution. Indicate the effect of the proposed substitution on overall Contract Time.

- 6) Cost information, including a proposal of the net change, if any, in the Contract Sum.
- 7) Certification that the substitution is equal to or better in every respect to that required by Contract Documents, and that it will perform adequately in application indicated. Include Contractor's waiver of rights to additional payment or time, that may be necessary because of the substitution's failure to perform adequately.

C. BNL's Action:

1. Within one week of receipt of the request for substitution, MPO will request additional information necessary for evaluation. Within 3 weeks of receipt of the request, or one week of receipt of additional information, whichever is later, MPO will notify the Contractor of acceptance or rejection. If a decision on use of a substitute cannot be made within the time allocated, use the product specified. Acceptance will be in the form of a Change Order.

D. Substitutions:

1. The Contractor's substitution request will be received and considered by BNL when one or more of the following conditions are satisfied, as determined by MPO; otherwise requests will be returned without action except to record noncompliance with these requirements.
  - a. Extensive revisions to Contract Documents are not required.
  - b. Proposed changes are in keeping with the general intent of Contract Documents.
  - c. The request is timely, fully documented and properly submitted.
  - d. The request is directly related to an "or equal" clause or similar language in the Contract Documents.
  - e. The specified product or method of construction cannot be provided within the Contract Time. The request will not be considered if the product or method cannot be provided as a result of failure to pursue the Work promptly or coordinate activities properly.
  - f. A substantial advantage is offered BNL, in terms of cost, time, energy conservation or other considerations of merit, after deducting offsetting responsibilities that BNL may be required to bear. Additional responsibilities for BNL may include additional compensation to an outside A/E Consultant, for redesign and evaluation services, increased cost of other construction by BNL or separate contractors, and similar considerations.
  - g. The specified product or method of construction cannot be provided in a manner that is compatible with other materials, and where the Contractor certifies that the substitution will overcome the incompatibility.

- h. The specified product or method of construction cannot be coordinated with other materials, and where the Contractor certifies that the proposed substitution can be coordinated.
  - i. The specified product or method of construction cannot provide a warranty required by the Contract Documents and where the Contractor certifies that the proposed substitution provide the required warranty.
- 2. The Contractor's submittal and MPO's acceptance of Shop Drawings, Product Data or Samples that relate to construction activities not complying with the Contract Documents does not constitute an acceptable or valid request for substitution, nor does it constitute approval.

END OF SECTION 01630

Revision History	
Date	Rev. No.
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